



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

**Asbestos Consultant Independent Business
Relationship Disclosure Form**

May it be known that _____,
(Name of Consultant)

(Maine License Number)

☐ has an independent business relationship from all Maine-licensed Asbestos Abatement Contractors.

☐ does not have an independent business relationship with the following Asbestos Abatement Contractor(s):

Name(s) of Firm(s)

Maine license number

Asbestos Contractor/Consultant Firm Officer:

(Printed Name)

(Signature)

(Date)

Maine law does not require that the asbestos consultant who conducts an inspection or provides project management/monitoring services be independent from an asbestos abatement contractor performing an asbestos abatement project for the same building owner. For any abatement project involving more than 100 linear and/or square feet of asbestos-containing material the visual evaluation and air clearance sampling can only be performed by an Asbestos Air Monitor who has an independent business relationship from the abatement contractor. At the conclusion of all projects, the Air Monitor first determines that the regulated area is visually clean. The Air Monitor then collects air clearance samples to determine whether the air inside the containment system meets Maine's air clearance standards on all projects except those impacting only exterior materials (roofing and siding) or that utilized certain abatement methods that do not require containment systems. Projects involving less than 100 linear and/or square feet of asbestos also require visual evaluation and air clearance sampling conducted by an Asbestos Air Monitor, however, the Air Monitor is not required by law to be independent from the contractor, so may work for either an asbestos consultant or the abatement contractor. An independent business relationship means that no financial or shareholder control is exerted by one over the other, except by contract to perform services for a specific project where the relationship between the contracting businesses is otherwise independent and the facility owner or agent is aware of the contractual relationship. A relationship between two businesses is not independent when:

- A person and/or immediate family member or business entity has ownership shares in both businesses;
- A person and/or family member has ownership in, or serves as an officer, director or employee of, one business and serves as an officer, director, or employee of the other business;
- A person or business entity with ownership in, or serving as an officer, director, or employee of, one business has provided capital or other financial support to the other business; or
- A person or business entity hires another person or business entity to conduct visual evaluation(s) and/or air clearance sampling using a fixed-price contract that does not fully compensate for additional sampling, analytical and labor costs necessitated by failure of the visual evaluation and/or air clearance sampling.

An asbestos consultant that is not independent from the asbestos abatement contractor may have a financial incentive to:

- Identify non-asbestos material during a inspection as asbestos to create business for its abatement firm;
- Recommend inappropriate or excessive project monitoring services if it is hired to oversee it own abatement firm;
- Overlook work practice violations by its abatement firm;
- Not conduct a thorough visual evaluation of the work area at the conclusion of the asbestos abatement project; and
- Not collect air clearance samples at the conclusion of the asbestos abatement project in a manner that characterizes actual inside ambient fiber levels.

There may be instances where a building owner may realize time and/or cost savings using non-independent firms; using non-independent firms may reduce overhead and mobilization costs associated with the project. It is up to the building owner to select the asbestos consultant and asbestos abatement contractor that best meet his/her needs.

I understand copies of this disclosure must be presented to the building owner/agent and must be part of the permanent record for this project. I also understand that this completed form must be available upon request at the asbestos project site.

Asbestos Contractor/Design Consultant:
(Printed name)

, Project Code:

(Signature)

(Date)

Building Owner or Agent:
(Printed name)

(Signature)

(Date)

If you have any questions on asbestos or state and federal regulations on asbestos, please call the Maine Department of Environmental Protection's Asbestos Hazard Prevention Program at (207) 287-2651.